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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,663	08/26/2003	Robert Gazda	I-2-0359US	3932

24374	7590	06/27/2006

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EXAMINER
INGBERG, TODD D

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 October 2005_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _8/26/2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _4/30/2004_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claims 1 – 9 have been examined.

Priority

1.   Claim to domestic priority with Provisional application 60/405,995 with a date of

August 26, 2002 has been granted.

Information Disclosure Statement

2.   The Information Disclosure Statement filed April 30, 2004 has been considered.

Drawings

3.   The drawings filed August 26, 2003 have been approved.

Requirement For Information

4.   The Requirement under 35 U.S.C. §105 is for documentation on Telelogic Tau C-micro.

Specifically, documentation disclosing the features which make clear the functionality of "light

integration". The details are contained separate from this Office action.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 1 – 9 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The current focus of the Patent Office in regard to

statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial

exception (software) is that the claimed invention recite a practical application. Practical

application can be provided by a physical transformation or a useful, concrete and tangible

result. No physical transformation is recited and additionally, the final result of the claim is

for porting software which is not a tangible result because the mechanism is not claimed to

be on a computer readable medium. The following link on the World Wide Web is for the

United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Specification

6.   The use of the trademark "Telelogic Tau C-micro" has been noted in this application. It

should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any manner

which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 2 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN #

6,725,451 B1 **Schuetz** et al. issued April 20, 2004, Foreign priority date of December 17, 1997.

Claim 1
Schuetz anticipates a method for porting software developed using a single threaded modeling
tool to a multiple threaded environment (**Schuetz,** col 1 lines 55 to col 2, lines 7 – emulation
routine not dependent on thread control port to OS such as Unix) , the method comprising: using
the single threaded modeling tool to model the software (**Schuetz,** as per above); and providing
a porting layer (**Schuetz,** col 1 lines 55 to col 2, lines 7 – emulation routine and Abstract), the
porting layer performing as follows: porting in variables into a multiple threaded operating
environment by reference and not as variables so that each thread can access variables by
reference (**Schuetz,** Abstract).

Claim 2

The method of claim 1 wherein the single threaded modeling tool produces variables as global variables and not using the global variables in operation of a plurality of threads in the multiple threaded operating environment. As per claim 2.

Claim 3

The method of claim 1 wherein the porting layer comprises a root process table having process description block entries, each process in the process description block entry having static variables (**Schuetz,** col 6, lines 35 - 40).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN # 6,725,451

B1 **Schuetz** et al. issued April 20, 2004, Foreign priority date of December 17, 1997 in view of

the knowledge of a consumer choice of equivalent products.

Claim 4

Schuetz teaches the method of claim 1 wherein a modeling language used in the software development is SDL and the single threaded software tool (As per claim 1) is Telelogic Tau C-micro with light integration Schuetz teaches the use of the C Programming language (Col 5, lines 42 – 46) but Schuetz does not teach a brand preference. One of ordinary skill in the art at the time of invention would know to purchase a C compiler because it is an ANSII standard programming language.

10.   Claims 5 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN#

6,029,000 **Woolsey** et al., Filed December 22, 1997 in view of USPN # 6,725,451 B1 **Schuetz**

et al. issued April 20, 2004, Foreign priority date of December 17, 1997.

Claim 5

Woolsey teaches a wireless communication device (**Woolsey, Abstract**) comprising:

at least one system processor and at least one communication processor (**Woolsey,** inherent to Figure 2); a communication module to facilitate communication between each system (**Woolsey,** inherent to Figure 2) and communication processor (**Woolsey,** inherent to Figure 2); a shared memory associated with the communication module(**Woolsey,** inherent to Figures 3 and 4); each system processor and communication processor having an associated operating system (**Woolsey,** inherent to Figure 4), the operating system performing code generated from a software model (Schuetz, emulated calls, Abstract), the software model developed using a single threaded modeling tool, a porting layer ports code generated by the single threaded modeling tool to a multiple threaded environment (**Schuetz,** col 1 lines 55 to col 2, lines 7 – emulation routine not dependent on thread control port to OS such as Unix), the porting layer porting in variables (**Schuetz,** col 1 lines 55 to col 2, lines 7 – emulation routine and Abstract), into the multiple threaded operating environment by reference and not as variables so that each thread can access variables by reference (**Schuetz,** Abstract).

Woolsey teaches a porting system for wireless devices. **Schuetz** teaches the call by reference for variables in a porting system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of **Woolsey** and **Schueltz** because call by reference provides for emulated system calls in a porting system.

Claim 6
The wireless communication device of claim 5 wherein the single threaded modeling tool produces variables as global variables and not using the global variables in operation of a plurality of threads in the multiple threaded operating environment. See the rejection for claim 5.

Claim 7
The wireless communication device of claim 5 wherein the porting layer comprises a root process table having process description block entries, each process in the process description block entry having static variables. (**Schuetz,** col 6, lines 35 - 40).

Claim 9
The wireless communication device of claim 5 wherein the wireless communication device is a wireless transmit/receive unit. (Schueltz, col 1, lines 21 – 29 - devices).

11.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolsey and

Schuetz as applied to claim 5 above, and further in view of the knowledge of a consumer

choice of equivalent products.

Claim 8
The wireless communication device of claim 5 wherein a modeling language used in the software development is SDL and the single threaded software tool is Telelogic Tau C-micro with light integration. Woolsey and Schuetz teach a wireless communications device for porting software and the use of a C compiler (Col 5, lines 42 – 46) but Woolsey and Schuetz do not
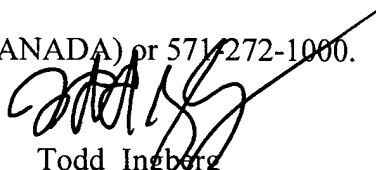
teach a brand preference. One of ordinary skill in the art at the time of invention would know to purchase a C compiler because it is an ANSII standard programming language.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The

examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd Ingberg
Primary Examiner
Art Unit 2193

TI

Requirement For Information - 37 USC § 1.105

1.   Applicant and Assignee of this application are required under 37 CFR 1.105 to provide

the following that the Examiner has determined is reasonably necessary to the examination of

this application.

2.   The Assignee (Interdigital Technology Corporation) and inventors appear to have been in

possession of the documentation on the **Telelogic Tau C-Micro** compiler with light integration

prior to the invention (see claim 4). In the Provisional application in section 5.3.6.3 and 5.3.6.4

the product is mentioned as well. The scope of the requirement is the sections of the

documentation that are pertinent to the invention. It appears the sections related to the text in

section 5.3.6.4 are relevant.

The Examiner is requesting a copy of **Telelogic Tau C-Micro** compiler with light integration the

developers had in their possession.

        This requirement is made with the intent to assist in the prosecution of this case. The

Examiner feels the scope of this requirement is narrow and should be well within the abilities of

the concerned parties to provide this information.

        The information is required to identify the **Telelogic Tau C-Micro** compiler with light

integration as disclosed in the invention.

        Where applicant does not have or cannot have readily obtained items of required

information, a statement that the item is unknown or cannot be readily obtained will be accepted

as a complete response to the requirement for that item.

        The fee and certification requirements of 37 § C.F.R. 1.97 are waived for those

documents submitted in reply to this requirement. This waiver extends only to those documents

within the scope of this requirement under 37 §C.F.R. 1.105 that are included in the applicant's

first complete communication responding to this requirement. Any supplemental replies

subsequent to the first communications responding to this requirement and any information

disclosures beyond the scope of this requirement under 37 §C.F.R. 1.105 are subject to the fee

and certification requirement of 37 §C.F.R. 1.97

This requirement is subject to the provisions of 37 C.F.R. 1.134, 1.135 and 1.136 and has

a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE

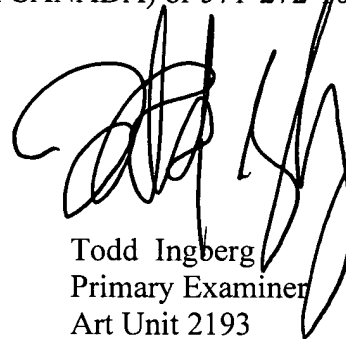GRANTED UNDER 37 CFR 1.136(a). Or respond with the Office action.

Correspondence Information

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examiner can normally be reached on during the work week..

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Todd Ingberg
Primary Examiner
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SUPERVISORY PATENT EXAMINER